

REMARKS

The Office Action dated May 19, 2010, has been received and carefully reviewed. Claims 15 and 51 are pending in the application. Claims 1, 3-8, 10-12, 17, 19, 20, 22-30, 33-38, 41-43, 45-48, and 52-58 are withdrawn from consideration. Reconsideration of the subject application is respectfully requested in view of the following remarks.

The Office has rejected claims 15 and 51 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement because the specification, as originally filed, allegedly fails to disclose that the second member secures one of the fibers and the first member secures the other fiber. The Office asserts that the specification and drawings disclose only the first member securing the delivery fiber and the second member securing the collection fiber. Applicant respectfully disagrees. First, there is support in at least original claim 1 for the language of claim 51, and it is well established that original claims constitute their own description. See *In re Koller*, 613 F.2d 819, 204 USPQ 702 (CCPA 1980) (original claims constitute their own description). Secondly, while the first and second housing members shown in Figs. 5(A) & (B) are described as securing the delivery and collection fibers, respectively, there is abundant written support for the fibers to perform either function. For example, at paragraph [0045], Applicant states that “each fiber may be utilized for both delivery and collection of light energy.” Accordingly, Applicant submits that there is more than adequate written support for claims 15 and 51 and they should be allowed.

In addition, at least withdrawn claim 57 should be rejoined and allowed because it requires all the limitations of claim 15 and also finds support in the original claims.

*See M.P.E.P. § 821.04.*

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

The Examiner is invited to contact Applicant's undersigned attorney at the indicated telephone number to discuss any matter that would expedite allowance of this application.

Respectfully submitted,

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Date

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